

 <p style="text-align: center;"><b>Contra Costa County</b> <b>Office of the Sheriff</b></p> <p style="text-align: center;">Patrol and Special Operations Division Policy and Procedure</p>	<b>PATROL</b>	<b>NUMBER: 3.01.43</b>
	<b>RELATED ORDERS:</b> W&I 5150, 5170, 5400, 7325, 8102.	
<b>ISSUE DATE:</b> 01-01-2006 <b>REVISION DATE:</b> 04-03-2017	<b>CLEARANCE:</b> Office of the Sheriff	
<b>CHAPTER:</b> Arrest and Contacts with Persons	<b>SUBJECT:</b> Mental Illness	

## **I. POLICY**

- A. When dealing with persons suffering from mental illness or inebriety, Patrol and Special Operations personnel will constantly evaluate the situation watching for mood swings that may affect officer safety.
- B. They will obtain the proper treatment for the involved individual.

## **II. PROCEDURE**

### **A. FIELD INITIATED EMERGENCY ADMISSIONS**

1. Section 5150 of Welfare and Institutions Code provides a peace officer the power to take into custody and transport to the nearest mental health facility any person who falls into the following categories:
  - a. A danger to others.
  - b. A danger to him/herself.
  - c. Gravely disabled as a result of mental disorder.
    - NOTE: A deputy need only to establish reasonable cause to believe a person may be suffering from a mental disorder.
    - A person is considered gravely disabled when, as a result of a mental disorder, they are unable to provide for the basic needs such as food, clothing, and shelter.

### **B. HANDLING AND CONTROLLING DISTURBED PERSONS**

1. Deputies assigned incidents involving disturbed persons should place officer safety as the first priority.
2. Whenever possible, the initially assigned deputy should wait for a backup unit to assist.
3. Deputies should evaluate the situation and obtain as much information as possible concerning the involved person; i.e., past history of mental

illness, violence potential, and if the involved person is currently under a physician's care.

4. The assigned deputy should keep in mind that the conduct exhibited toward a mentally ill person is important to the person's mental well-being.
  - a. Deputies should:
    - Ignore verbal abuse.
    - Avoid excitement.
    - Do not deceive the individual.
    - Restrain and calm the person.
5. Deputies responding to incidents involving persons believed to be a danger to themselves must continually evaluate the incident. If it is determined that the best course of action to defuse or keep the situation from escalating is to withdraw from the scene, the following shall be done:
  - a. The incident and our actions will be documented in a crime report.
  - b. The Station House Commander will be notified and made aware of the incident.
  - c. The Station House Commander or designee will assign a deputy to:
    - Follow up contact with the subject either in person or by phone to check on their welfare.
    - Generate a Mental Health Evaluation Team (MHET) referral.
    - Document all follow up actions in a supplemental crime report.

#### C. USE OF FORCE

1. Deputies shall use only that amount of force necessary to overcome resistance and obtain control of the individual.
2. The use of restraints, handcuffs and leg restraints shall be used only to prevent the individual from inflicting injury upon themselves or others.
3. The Deputy placing such equipment on an individual shall be responsible for the documentation of the use of force and/or restraints in their written report.

#### D. TRANSPORTATION OF DISTURBED PERSONS

1. The transporting of mentally disturbed persons to the mental health facility shall be conducted by ambulance, when available.

E. DOCUMENTATION AND FORMS

1. The Deputy must complete an "Application For 72 Hr. Detention For Evaluation and Treatment" (copy attached), of a person believed to be mentally ill, deliver it to hospital personnel (usually via ambulance personnel), and give a copy to the person detained.
2. The applicable case file number should also be written on the 5150 form in the upper left-hand corner.
  - a. The Deputy is responsible for completion of a written report involving all field initiated 5150 W & I admissions.
  - b. This report will be in addition to the 5150 W&I commitment form and the 8102 W&I weapons confiscation form if applicable.
    - If a weapon is confiscated, the Deputy will complete a declaration re: Confiscation of Weapons at the scene of incident or immediately thereafter.
3. In the event the subject is transported by ambulance, the emergency admission form should be given to ambulance attendants for medical chart and mental health clinic personnel.
4. In all cases involving the taking of a person to a mental health facility, the assigned Deputy will orally read the "Detainment Advisement" from the 5150 form to the involved person.
5. When weapons are confiscated or involved route and Fax a copy of the 5150 form, the 5150 report, the 8102 form and the Declaration re: Confiscation of Weapons to the Misdemeanor Complaints Office.
  - a. Route a copy of the entire report to the Intelligence Sergeant.
  - b. When 8102 forms are used, a copy will go with the involved party via the ambulance attendants to be given to the County Hospital personnel.
    - They must advise the Misdemeanor Complaints Office when the involved person is released, and document the same on the 8102 form.

F. PROCEDURES AT COUNTY HOSPITAL

1. At the time of the emergency commitment, the deputy is required to make written application, and complete an emergency admission form.
2. All 5150 commitments are to be taken directly to "Psychiatric Emergency Room" except for those in the following categories:
  - a. Persons requiring medical treatment for injuries or drug overdose.
  - b. Persons who are intoxicated or under the influence of narcotics.
  - c. All persons over the age of sixty (60).
  - d. Persons in the above categories are to be taken to the emergency room for examination.

3. Deputies shall conduct searches of all persons and remove items which could be used as weapons.
4. In cases of combative commitments, the deputy should request Communications to telephone the Contra Costa County Regional Medical Center, Psychiatric Emergency Room, and notify them of the patient's sex, age and arrival time.
5. Deputies should complete an emergency admission form on voluntary commitments that have a potential for violence or aggressive behavior.
6. All deputies are to cooperate and assist the hospital staff in the handling of patients.

G. EMERGENCY INEBRIETY COMMITMENT

1. The procedures for admission of a person under 5170 W & I are the same as set forth for 5150 W & I.
2. Before a person can be admitted to the County Hospital, the following conditions must be present:
  - a. A designated 5170 Facility must exist.
    - County Hospital is not funded to house 5170's.
  - b. The person is in such a physical condition which requires medical treatment; i.e., malnutrition.
  - c. The person is suffering delirium tremors (D.T.'s).
  - d. NOTE: The County Hospital will not accept persons who are merely intoxicated.
  - e. The deputy must evaluate the person for other conditions that may exist that will warrant hospital admission
    - Example: Medical emergency or mental conditions relative to possible 5150 W&I.

H. SUICIDE ATTEMPTS

1. Suicide attempts are to be evaluated very thoroughly.
2. If the victim is already hospitalized or under the care of a private physician, no action is necessary unless requested by these authorities.
3. In cases involving suicide attempts, a crime report will be written reflecting the victim's actions, attitude, remarks, etc.

I. CONFISCATION OF WEAPONS

1. Officers are required by law (8102 W & I) to confiscate any firearm or other deadly weapon found in the possession or under control of a person detained for examination of his or her mental condition.
2. When a deadly weapon is taken under these circumstances, the deputy will complete a Declaration re: Confiscation of Weapons at the scene of the incident or immediately thereafter, and a NOTICE OF CONFISCATION OF FIREARM(S) OR OTHER DEADLY WEAPON(S).

- a. The original of the Notice of Confiscation form will be attached to the crime report and the remaining copies will be given to the ambulance attendees or hospital attendants for their disposition.
  - b. A copy of the report, Notice of Confiscation and Declaration re: Confiscation of Weapons will be faxed and routed to the Misdemeanor Complaints Office.
    - A copy will be routed to the Homeland Security Unit.
  - c. Contra Costa County Counsel will petition the court in all cases to prevent return of these weapons when necessary.
  - d. The W&I 8102 procedure is time specific, and is imperative that the Misdemeanor Complaints Office receives the report as soon as possible so the petition process can begin.
3. A complete and thorough report must be submitted on each such incident. Included in this report must be a complete description of the weapons, including:
- a. Make
  - b. Model
  - c. Caliber
  - d. Serial number
  - e. Type of weapon (semi-automatic, revolver, bolt or pump action)
  - f. Any other identifying marks or characteristics of the weapon
  - g. The report must state who recovered the weapons, where the weapons were located and whether the weapons were loaded.
  - h. The report will also include any statements or actions by the subject that indicated a willingness to use the weapon on themselves or others.

#### J. WALKAWAYS FROM COUNTY HOSPITAL

1. Persons who have walked away from the County Hospital and who have been committed under any of the preceding conditions are considered a walk-away.
2. These persons may be apprehended, without a warrant, upon written request of the hospital.
  - a. Deputies should keep in mind that most commitments are not criminal offenders.
3. Persons who have been booked or had a booking opened should be considered escapees if they leave the hospital.
4. Patrol members will not act on direct request from the hospital, but will adhere to the following:
  - a. Martinez Police Department will respond to calls from the Contra Costa County Regional Medical Center regarding walk aways.

- b. Deputies will assist if a walk away is to be apprehended in County area.